

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

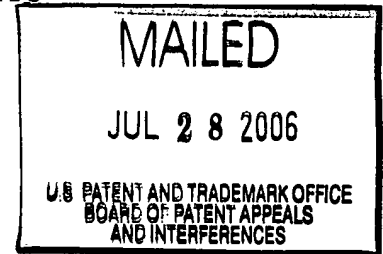
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAKI MORIMATSU, TAKEO ITO

Appeal No. 2006-0787
Application No. 09/723,016

HEARD: July 11, 2006



Before HAIRSTON, RUGGIERO, and MACDONALD, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-5 and 10. Claims 6-9 and 11-18 have been indicated to be allowable by the Examiner.

The claimed invention relates to a component of a rotating machine in which a plurality of pole pieces are surrounded by bobbins upon which individual coil windings are formed. The bobbins include an integral terminal portion spaced radially from the coil windings and embedded wiring conductors. Each of the wiring conductors has a terminal end connected to at least one of the coil winding ends and another terminal end exposed within the terminal portion to enable, according to Appellants (specification, page 1), connection to an external electrical

connector through the terminal portion without requiring soldered connections.

Claim 1 is illustrative of the invention and reads as follows:

1. A component of a rotating machine comprised of a plurality of coils each wound on the pole teeth of a core through a bobbin, said bobbin having portions surrounding said pole teeth of said core for receiving coil windings and an integral terminal portion spaced radially from the coil windings, a plurality of wiring conductors integrally carried by said bobbin coil winding receiving portions, each of said wiring conductors having one terminal end connected at least one of said coil ends and another terminal end exposed within said terminal portion for connection to one external electrical connector through said terminal portion.

The Examiner relies upon the following prior art:

Makoto et al. (Makoto) JP 07-163077 Jun. 23, 1995
(Published Japanese Patent Application)

Claims 1 and 5-10, all of the appealed claims, stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by Makoto.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Brief (filed March 31, 2005) and Answer (mailed June 28, 2005) for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner, the arguments in support of the rejection, and the evidence of anticipation relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Brief along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the disclosure of Makoto fully meets the invention as recited in claims 1-5 and 10. Accordingly, we affirm.

At the outset, we note that it is well settled that anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to appealed claims 1-5 and 10, the Examiner indicates (Answer, pages 4 and 5) how the various limitations are read on the disclosure of Makoto. In particular, the Examiner directs attention to the illustrations in Makoto's Figures 1-4 as well as the accompanying description beginning at page 5 of Makoto.

In our view, the Examiner's analysis is sufficiently reasonable that we find that the Examiner has at least satisfied the burden of presenting a prima facie case of anticipation. The burden is, therefore, upon Appellants to come forward with evidence and/or arguments which persuasively rebut the Examiner's prima facie case. Only those arguments actually made by Appellants have been considered in this decision.

Arguments which Appellants could have made but chose not to make in the Brief have not been considered and are deemed to be waived [see 37 CFR § 41.37(c)(1)(vii)].

Appellants' arguments in response assert that the Examiner has not shown how each of the claimed features are present in the disclosure of Makoto so as to establish a case of anticipation. After reviewing the Makoto reference in light of the arguments of record, however, we are in general agreement with the Examiner's position as stated in the Answer.

Our review of the disclosure of Makoto finds ample support for the Examiner's position that Makoto discloses all of the elements set forth in the appealed claims. As illustrated in Makoto's Figures 1-4, Makoto discloses a plurality of coils 6 wound on the pole teeth A1-A8 of a core through a bobbin 4, 5 with portions B1-B8 surrounding the pole teeth and an integral terminal 10, 17 radially spaced from the coils. Further provided in Makoto are a plurality of wiring conductors 30, 31 integrally carried by the bobbin structure and having one terminal end 36, 22 connected to one of the coil ends and another terminal end 31 connected to an external electrical connector.

We further find to be unpersuasive Appellants' arguments (Brief, page 4) that attempt to draw a distinction between the structure disclosed by Makoto and that of the appealed claims. In our view, to whatever extent Appellants may be correct that the connector pieces illustrated and described by Makoto are "separate pieces," it is apparent to us that these connector

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pieces are assembled within the bobbin structure 4, 5 to be integrally carried by and become an integral part of the bobbin structure at least in the manner broadly claimed by Appellants. We further find no error in the Examiner's finding (Answer, page 7) that the terminal end 31 in Makoto is molded, as set forth in appealed claim 5, into the bobbin structure by the bending of tab 33 into the passage 16.

In view of the above discussion, since the Examiner's prima facie case of anticipation has not been overcome by any convincing arguments from Appellants, the Examiner's 35 U.S.C. § 102(b) rejection of appealed claims 1-5 and 10 is sustained. Therefore, the decision of the Examiner rejecting claims 1-5 and 10 is affirmed.


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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv) (effective September 13, 2004).

AFFIRMED


KENNETH W. HAIRSTON
Administrative Patent Judge

Joseph F. Ruggiero
JOSEPH F. RUGGIERO
Administrative Patent Judge


ALLEN R. MACDONALD
Administrative Patent Judge

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